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APR 3765

P-2782-12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: RONALD J. BOSER
FOR: A REMOVABLE BRASSIERE CUP SUPPORT
SERIAL NO.: 09/944,612
FILED: September 4, 2001
EXAMINER: Gloria M. Hale, Patent Examiner, Art Unit 3765

REPLY TO EXAMINER'S ANSWER
FILED AS PAPER NO. 17

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir/Madam:

In Paper No. 17 "Claim 1 [the claim on appeal] is rejected under 35 U.S.C. 103(a) as being unpatentable over Fairbanks et al. (US 2,613,365)" and at page 4 starting in line 11, the examiner "... takes Official Notice ... to substitute ... male and female snap components ... with VELCRO hook and loop fasteners ..."

In the REMAND TO THE EXAMINER (Paper No. 16), it is believed it was the Board's position that "there would appear to be no excuse for not positively including the reference[s] [the Gershman article and the "Living Easier with VELCRO" article] in the statement of the rejection" in which said references are the basis for the examiner's taking of Official Notice of facts along with what is disclosed in Fairbanks et al. in rejecting the claim on appeal.

It is accordingly respectfully requested that the Examiner's Answer filed as Paper No. 17 be disregarded as not in compliance with the Board's instructions of the REMAND TO THE EXAMINER.

Additionally, the Board stated that "no supplemental examiner's answer should be permitted" and Paper No 17 appears to be a supplemental examiner's answer.

Respectfully,

MYRON AMER, P.C.
Attorney for Applicant

By: Myron Amer
Myron Amer
Reg. No. 18,650

114 Old Country Road
Suite 310
Mineola, NY 11501
(516) 742-5290
Dated: April 20, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on April 20, 2004.

Dated: 04/20/2004

Angela C. Glaser